

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SAN DIEGO
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4
5 Coordination Proceeding) JCCP No. 4042
Special Title (Rule 1550(b)))
6)
In re TOBACCO CASES II)
7)
This document relates to:)
8 The People of the State of California,)
et al. v. Philip Morris, Incorporated,)
9 et al., Los Angeles Superior Court)
Case No. BC 194217;)
10)
The People of the State of California,)
11 et al. v. General Cigar Co., et al.,)
San Francisco Superior Court Case)
12 No. 996780;)
)
13 The People of the State of California,)
et al. v. Brown & Williamson, et al.,)
14 San Francisco Superior Court Case)
No. 996781;)
15)
The People of the State of California,)
16 et al. v. Tobacco Exporters, et al.,)
San Francisco Superior Court Case)
17 No. 301631.)

18
19 DEPOSITION OF
20 PAUL KNEPPRATH

21 Tuesday, July 18, 2000
22
23 REPORTED BY: SHANNON TAYLOR-SCOTT, RPR, CSR 10067
24 JOB NO. 05-95886
25
26
27
28

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2 VAIL, CHRISTIANS & ASSOCIATES (619) 544-8344
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4228	Defendants' Notice of Taking Deposition of Person(s) Most Knowledgeable at the American Lung Association (5 pages)	8
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4230	Capitol Correspondence - June 1997 Production Numbers ALA00004807-4810 (4 pages)	52
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4232	ALAC Memorandum to California Tobacco Control Advocates, from Paul Knepprath, subject Prop. 188 Vote Analysis - Use for Current Smoke-Free Bars Campaign; Production Numbers ALA00004698-4707 (10 pages)	75
4233	Capitol Correspondence - June 1998 Production Numbers ALA00004781-4784 (4 pages)	77
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4235	The Capitol Report - Spring 1999 Production Numbers ALA00004756-4759 (4 pages)	80
4236	ALAC/California Thoracic Society Public Policy Agenda (Program of Work) 1999; Production Numbers ALA00005233-5239 (7 pages)	80
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I N D E X

{EXHIBITS CONCLUDED}

DEFENDANTS' EXHIBITS MARKED FOR IDENTIFICATION

Exhibit No.	Description	Page
4238	Summary of Model Ordinance for Alameda County by the ALA of Alameda County; Production Numbers ALA00004365-4375 (11 pages)	90
4239	ALAC/California Thoracic Society Summary of 1999 Legislation, May 1999; Production Numbers ALA00004760-4769 (10 pages)	91

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VAIL, CHRISTIANS & ASSOCIATES (619) 544-8344
IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO

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California, et al. v. Philip Morris,)
Incorporated, et al., Los Angeles)
Superior Court Case No. BC 194217;)
The People of the State of)
California, et al. v. General Cigar,)
Co., et al., San Francisco Superior)
Court Case No. 996780;)
and additional Plaintiffs.)
_____)

---oOo---

BE IT REMEMBERED that, pursuant to Subpoena,

16 and on Tuesday, July 18, 2000, commencing at 10:25 a.m.
17 thereof, at AIKEN, KRAMER & CUMMINGS, 111 Broadway,
18 Suite 1500, Oakland, California 94607, before me,
19 SHANNON TAYLOR-SCOTT, a Certified Shorthand Reporter,
20 personally appeared

21 PAUL KNEPPRATH

22

23 called as a witness by the Defendant Lorillard Tobacco
24 Company, who, having been first duly sworn, was
25 examined and testified as follows:

26 ---oOo---

27

28

4

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1 APPEARANCES OF COUNSEL:

2

3 FOR THE AMERICAN LUNG ASSOCIATION OF CALIFORNIA AND THE
4 WITNESS:

4

AIKEN, KRAMER & CUMMINGS

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7

FOR THE DEFENDANT LORILLARD TOBACCO COMPANY:

8

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9 BY: HENRY LERNER, ATTORNEY AT LAW

333 Bush Street, 17th Floor

10 San Francisco, California 94104-2806

Telephone: (415) 837-1515

11

ALSO PRESENT:

12 KAREN THRO, PARALEGAL TO MR. LERNER

13

---oOo---

14

EXAMINATION BY MR. LERNER

15

MR. LERNER: Q. Could you please state your

16

full name?

17

A. Paul Eugene Knepprath.

18

Q. And the spelling of your last name, please?

19

A. K-n-e-p-p-r-a-t-h.

20

Q. Mr. Knepprath, have you had your deposition

21

taken before?

22

A. No.

23

Q. Okay. Well, I'll go through some of the

24

rules with you, and briefly, my name --

25

A. Sure.

26

Q. -- is Henry Lerner. I'm an attorney with

27

the law firm of Allen Matkins Leck Gamble & Mallory.

28

Our law firm represents Lorillard Tobacco Company in

5

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1 two cases that have been brought against

2 tobacco/cigarette manufacturers pending in San Diego,

3 pertaining to environmental tobacco smoke.

4

As part of the proceedings, we noticed the

5

deposition -- issued a subpoena and noticed the

6

deposition for the person most knowledgeable from the

7

American Lung Association with regard to certain issues

8

related to environmental tobacco smoke, and I

9

understand that you've been designated as the person

10 most knowledgeable by the American Lung Association; is
11 that correct?

12 A. Evidently so.

13 Q. All right. Well, we'll get into that in a
14 moment. First, I'd just like to go through some of --
15 a few rules pertaining to depositions.

16 A. Sure.

17 Q. First, you're under oath today as though you
18 were in a courtroom testifying under oath. The
19 questions and answers from the session today will be
20 taken down by a court reporter, by the court reporter
21 here, and then transcribed into a booklet. You'll have
22 an opportunity to read and make any changes you desire
23 to that booklet after the deposition is over. If you
24 do make any changes, Counsel for the Defendants would
25 have an opportunity to comment on those changes at the
26 time of trial. Do you understand that?

27 A. Yes.

28 Q. All right. I don't want you to -- or I'm

6

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1 asking you not to speculate or guess as to the answers
2 to any questions that I may be asking today.

3 For example, if I ask you when something
4 occurred and you don't remember precisely, I don't
5 expect you to be exact, but I would ask that you give
6 us your best recollection or estimate as to the time of
7 when something occurred.

8 In addition, I would ask that you not
9 respond to any questions which you don't understand.
10 Obviously I don't have your experience and knowledge of
11 the subject matters which are going to be discussed
12 today.

13 A. Uh-huh.

14 Q. In the event that one of my questions
15 doesn't make any sense or is unclear to you, I'd ask
16 that you tell me that and ask me to rephrase it.

17 Is that acceptable?

18 A. That's -- yes.

19 Q. Now, just a couple of practical rules:

20 All of your responses today need to be
21 audible. The court reporter can't take down accurately
22 a shake of the head or a nod. In addition, we should
23 try to avoid speaking at the same time. That will also
24 make the court reporter's task more difficult.

25 A. Okay.

26 Q. Do you understand those things?

27 A. Yes.

28 Q. Great.

7

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1 (Whereupon, Defendants' Exhibits 4228-4229
2 were pre-marked for identification.)

3 MR. LERNER: Q. I'd like to show you
4 Exhibits 4228 and 4229, which are notices of,
5 respectfully, the deposition of the person most
6 knowledgeable at the American Lung Association and then
7 an amended notice for your deposition and ask you if
8 you've seen any of those documents or any portion of
9 them before.

10 A. Are these the same document?

11 Q. One is an -- the second document, which is
12 Exhibit 4229, is an amended version of 4228, just

13 noticing your deposition in particular.

14 A. I've seen, I believe, 4228. I don't know
15 that I have seen specifically one that mentions me by
16 name.

17 MR. SIPOS: I don't think I received a copy
18 of this.

19 THE WITNESS: Yes. I don't think I've seen
20 4229.

21 MR. LERNER: Q. Oh. Well, then with
22 reference to 4228, did you previously review
23 Attachment 3, which is Page 3 of the document?

24 A. Yes.

25 Q. Okay. Now, Attachment 3 mentions --
26 references three numbered topics.

27 As to which of those topics have you been
28 designated as the person most knowledgeable by the

8

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1 American Lung Association of California?

2 A. I'm not sure that I've been specifically
3 designated as the most knowledgeable about any one, two
4 or three or if it's all three of them combined.

5 Q. All right. Well, let's take the first
6 topic, which is the goals of the American Lung
7 Association of California to inform, warn and/or
8 educate concerning the dangers of exposure to
9 secondhand smoke.

10 Do you have knowledge concerning that topic?

11 A. Yes.

12 Q. With regard to the second topic, which is
13 any and all methods utilized to achieve the goals of
14 the American Lung Association of California to inform,
15 warn and/or educate concerning exposure -- dangers of
16 exposure to secondhand smoke, and so on, do you have
17 knowledge concerning that topic?

18 A. Yes.

19 Q. And with regard to the third topic, which is
20 any and all evaluations and/or surveys performed to
21 determine or estimate the effectiveness of any and all
22 efforts by the American Lung Association of California
23 to inform, warn and/or educate concerning the dangers
24 of secondhand smoke, and so forth, do you have
25 information concerning that topic?

26 A. Yes.

27 Q. Now, by whom or who at the American Lung
28 Association of California designated you as the person

9

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1 most knowledgeable to testify?

2 A. Ben Abate, our President and CEO.

3 Q. Did you have discussions with Mr. Abate
4 concerning -- or I'm sorry -- Dr. Abate concerning the
5 topics as to which you would be able to testify?

6 A. No.

7 Q. What conversation did you have with him
8 concerning your designation as the person most
9 knowledgeable for the purposes of this case?

10 A. He merely designated me as somebody who had
11 this knowledge in the organization.

12 Q. Did he call you to ask you to testify?

13 A. Yes.

14 Q. What did he tell you about the deposition?

15 A. Not much.

16 Q. Do you recall what he said?
17 A. He basically, in his manner, told me briefly
18 that he wanted me to testify.
19 Q. Did you discuss any of the particular topics
20 that might be addressed at the deposition?
21 A. No.
22 Q. And what was your response to his request?
23 A. "Yes."
24 Q. No other conversation that you can recall?
25 A. Not -- no.
26 Q. All right. Could you, please, briefly tell
27 me your educational background?
28 A. Bachelor of Arts - California State

10

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1 University, Chico.
2 Q. What year did you receive that degree?
3 A. 1983.
4 Q. Did you receive any postgraduate education?
5 A. No.
6 Q. Can you briefly describe your employment
7 history from the time you graduated from Chico until
8 the time you began working at American Lung Association
9 of California?
10 A. I've been involved in community and
11 government relations, media relations, pretty much upon
12 my graduation.
13 Q. What was your major at Chico?
14 A. Political Science.
15 Q. What was your first position of employment
16 after you graduated from Chico?
17 A. Legislative Advocate for the California
18 State Student Association.
19 Q. What years did you have that position?
20 A. 1984 to 1986.
21 Q. And did any of your work as a legislative
22 advocate with that organization relate to tobacco
23 control?
24 A. No.
25 Q. Okay. What was your next position after
26 that?
27 A. Legislative Director - California State
28 Student Association.

11

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1 Q. And what years did you have that position?
2 A. Actually, half of '85 and about half of '86.
3 Q. Did any of your work as Legislative Director
4 pertain to tobacco control issues?
5 A. No.
6 Q. What was your next position after that?
7 A. I was a consultant for the Committee for
8 Water Policy Consensus.
9 Q. What years did you have that position?
10 A. 1987/'88.
11 Q. What was your next position after that?
12 A. I became a self-employed consultant.
13 Q. During what period of time -- or during what
14 inclusive dates were you self-employed as a consultant?
15 A. '88 through '90, through half of '90.
16 Q. And as what type of consultant?
17 A. Government relations, public policy,
18 nonprofit work.

19 Q. Did any of your work as a self-employed
20 consultant during that time period pertain to tobacco
21 control matters?
22 A. No.
23 Q. What was your next position after you were a
24 self-employed consultant?
25 A. I was the Policy Development Coordinator for
26 the American Lung Association of Sacramento - Immigrant
27 Trails.
28 Q. That's a branch of the American Lung
12
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1 Association of California?
2 A. It's a separately incorporated 501-C3.
3 Q. So it's not part of the American Lung
4 Association of California by which you're presently
5 employed?
6 A. That's correct.
7 Q. During what period of time were you Policy
8 Development Coordinator for Immigrant Trails?
9 A. 1990 through half of '92.
10 Q. And was that a full-time position?
11 A. Yes.
12 Q. Did your work as Policy Development
13 Coordinator at Immigrant Trails involve any tobacco
14 control issues?
15 A. Yes.
16 Q. Okay. What tobacco control issues were you
17 involved in as Policy Development Coordinator?
18 A. Reduction and/or elimination of public
19 exposure to secondhand smoke, reduction and elimination
20 of cigarette vending machines. I think that's about
21 it.
22 Q. Okay. What activities are you aware of or
23 were you involved in that pertained to the reduction or
24 elimination of public exposure to ETS while you were at
25 Immigrant Trails?
26 A. Informing the news media, meeting with
27 elected officials, campaigning against the tobacco
28 industry's funded ballot measure. That would probably
13
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1 be about it.
2 Q. When you mentioned "informing the news
3 media," what specifically were your responsibilities
4 with regard to informing the news media?
5 A. I didn't have any formal responsibilities.
6 Q. What were your activities then in that
7 regard?
8 A. I made phone calls, had conversations.
9 Q. Meetings?
10 A. Wrote news releases. No, I did not have
11 meetings.
12 Q. So your work as Policy Development
13 Coordinator at Immigrant Trails involved media
14 relations as well as policy development?
15 A. Correct.
16 Q. Okay. Did you have any duties other than
17 media relations and policy development in that
18 position?
19 A. Yes.
20 Q. What were your other duties?
21 A. I'm sorry. Can you restate the question?

22 Q. Did you have any duties as Policy
23 Development Coordinator other than media relations and
24 policy development?
25 A. Yes --
26 Q. All right.
27 A. -- as assigned.
28 Q. Well, your principal duties then were media

14

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1 relations and policy development?
2 A. That's correct.
3 Q. Okay. Now, you said you had meetings with
4 elected officials.
5 A. Yes.
6 Q. What was the -- well, what meetings did you
7 have with elected officials at that time concerning
8 reduction or elimination of public exposure to ETS?
9 A. What meetings. I can't name specifically,
10 you know, "the" meetings, but they were with members of
11 the Sacramento City Council and other public entities
12 within our service area.
13 Q. Did the other public entities include state
14 government?
15 A. No.
16 Q. State Legislature?
17 A. Yes.
18 Q. What meetings did you have with members of
19 the State Legislature concerning reduction or
20 elimination of public exposure to ETS while you were
21 Policy Development Coordinator?
22 A. I think I had one meeting with a state
23 legislator in that period of time.
24 Q. Did that concern any particular policy
25 initiative?
26 A. Yes.
27 Q. What was that?
28 A. It was the local county ballot measure

15

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1 regarding the County's ordinance that reduces public
2 exposure to secondhand smoke.
3 Q. Do you recall the name of the legislator?
4 A. Yes.
5 Q. Who was that?
6 A. Lloyd Connelley.
7 Q. When you talk about the local county ballot
8 measure, can you be more specific as to what you're
9 referring to?
10 A. It was Measure G.
11 Q. In Sacramento County?
12 A. Yes.
13 Q. What was Measure G?
14 A. Measure G was a referenda on the County's
15 Clean Indoor Air Ordinance.
16 Q. Did you have any responsibilities as Policy
17 Development Coordinator with regard to the referenda on
18 Measure G?
19 A. Yes.
20 Q. What were your responsibilities in that
21 regard?
22 A. Campaign work to defeat -- I'm sorry --
23 to -- to pass Measure G.
24 Q. Are you familiar with what was done in

25 support of the Measure G campaign by way of educating
26 the public pertaining to environmental tobacco smoke?
27 A. Campaigns aren't really about educating the
28 public, so I wouldn't say we did any education of the

16

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1 public per se, really.
2 Q. What was the nature of the campaign in favor
3 of Measure G?
4 A. It was to pass Measure G, to get people to
5 vote "yes" on Measure G.
6 Q. And did Measure G have any -- pertain in any
7 way to environmental tobacco smoke?
8 A. Yes.
9 Q. Okay. How did it pertain to environmental
10 tobacco smoke?
11 A. Measure G would have upheld the County's
12 Clean Indoor Air law.
13 Q. And the Clean Indoor Air law prohibited
14 smoking indoors?
15 A. It -- yes.
16 Q. In what facilities?
17 A. In public places, restaurants and private
18 workplaces.
19 Q. What was the role of the American Lung
20 Association of California - Immigrant Trails in that
21 campaign?
22 A. Actually, just so that we're correct here,
23 it's not the American Lung Association of California.
24 It's American Lung Association of Sacramento -
25 Immigrant Trails.
26 Q. Okay. Thank you.
27 So then what was the role of that
28 organization in that campaign?

17

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1 A. It played a role to organize volunteers to
2 inform the news media to secure a "yes" vote on
3 Measure G.
4 Q. When was the referendum on Measure G held?
5 A. It was in June of 1992.
6 Q. Do you recall the outcome of the referendum
7 on Measure G?
8 A. Yes.
9 Q. What was that?
10 A. It was 56 percent in favor and 44 percent
11 opposed.
12 Q. Do you recall whether any of the campaign
13 involved publicity as to the dangers of environmental
14 tobacco smoke?
15 A. Yes.
16 Q. What publicity was involved in that respect?
17 A. That was eight years ago. Probably some
18 flyers and poster boards that were used in
19 presentations to community groups and organizations.
20 Q. Do you recall whether there were any ballot
21 arguments prepared that pertained to the dangers of
22 environmental tobacco smoke?
23 A. Yes.
24 Q. Okay. What did American Lung Association of
25 Sacramento - Immigrant Trails have any involvement with
26 ballot -- preparation of ballot arguments for
27 Measure G?

28 MR. SIPOS: Hold on a second, Paul.

18

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1 Hank, you're going awfully far afield from
2 the subject matter of the deposition. I thought you
3 were going to ask the witness about his background, and
4 instead, you're asking about the Sacramento entity's
5 activities on a specific ballot measure, and so I would
6 ask either you go back to asking the witness about his
7 background or ask him about the subject matter of the
8 deposition today, which is the activities of the state
9 entity, not local affiliates. We could be here for
10 days talking about that.

11 MR. LERNER: I wanted to say I stand
12 corrected. I was under the impression that it was the
13 state organization --

14 MR. SIPOS: No.

15 MR. LERNER: -- and I realize I was
16 corrected, and I will confine the questions on that
17 time to the witness's background until we get to the
18 American Lung Association of California time period.

19 Q. Let me just ask:

20 What was your next position after you were
21 Policy Development Coordinator for the American Lung
22 Association of Sacramento - Immigrant Trails?

23 A. I was a media relations and marketing
24 coordinator for the same organization. In addition,
25 I --

26 Q. Hold on a second.

27 What was -- what period of time were you
28 media relations and marketing coordinator?

19

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1 A. 1992 to 1994.

2 Q. Okay. I interrupted you. You were going to
3 say, "in addition," something else.

4 A. Well, it was a split position. So I also
5 did media and policy consulting for the Gold Country
6 Tobacco Prevention Coalition.

7 Q. What was the "Gold Country Tobacco
8 Prevention Coalition"?

9 A. It was a Prop. 99-funded project under the
10 auspices of the American Lung Association of
11 Sacramento - Immigrant Trails.

12 Q. And did you also have that position from '92
13 through '94?

14 A. Yeah.

15 Q. Okay. What was your next position?

16 A. Vice-President - Government Relations,
17 American Lung Association of California (sic).

18 Q. When did you begin working at that position?

19 A. September 1994.

20 Q. And do you still hold that position?

21 A. No.

22 Q. Okay. How long were you in that position?

23 A. To December 31st, 1999.

24 Q. And what position -- what was your next
25 position after December 31, 1999?

26 A. Vice-President - Government Relations of the
27 American Lung Association of California.

28 Q. I'm sorry. What was the position you held

20

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1 beginning in September '94?
2 A. Assistant Vice-President.
3 Q. Oh, I'm sorry. Okay.
4 Who was the Vice-President of Government
5 Relations at the time you became Assistant
6 Vice-President?
7 A. Tony Najera.
8 Q. And then Mr. Najera retired and you
9 succeeded him?
10 A. That's correct.
11 Q. Beginning January 1 of this year?
12 A. Yes.
13 Q. Now, what prompted you to -- do you recall
14 whether there was anything that prompted you to take a
15 position with American Lung Association of California
16 in September 1994?
17 A. I'm not sure I understand the question.
18 What do you mean "prompted" me?
19 Q. Well, why did you leave the position as
20 media relations and marketing coordinator for Immigrant
21 Trails?
22 A. To take the position with the American Lung
23 Association of California.
24 Q. And what was your reason for leaving? to
25 take the position?
26 A. Yeah.
27 Q. So in September 1994, what were your duties
28 as Assistant Vice-President?

21

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1 A. You know, I have a job description, and I
2 wouldn't be able to rattle off all my duties at that
3 time, you know. I -- there were several -- I mean I
4 can't remember all the duties.
5 Q. Sure. Okay.
6 MR. SIPOS: Just tell him what you can
7 remember.
8 MR. LERNER: Yes.
9 Q. Just tell me what you can remember generally
10 about your principal responsibilities as Assistant
11 Vice-President.
12 A. Lobbying, media relations, field relations.
13 Q. Did anyone report to you while you were
14 Assistant Vice-President?
15 A. No.
16 Q. And you reported to Mr. Najera?
17 A. Yes.
18 Q. Does anyone report to you now in your
19 position as Vice-President?
20 A. Yes.
21 Q. Who reports to you presently?
22 A. Bonnie Holmes-Gen, Tavia Curtis, Kenneth
23 Smith.
24 Q. What positions do they hold?
25 A. Bonnie Holmes-Gen is the Assistant
26 Vice-President.
27 Q. That's your former position?
28 A. Correct.

22

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1 Q. Okay.
2 A. Tavia Curtis is the Administrative Assistant
3 and Office Manager, and Ken Smith is the Zero Emission

4 Vehicle Program Manager.
5 Q. While you held the position of Assistant
6 Vice-President, did you undertake any lobbying
7 activities that pertained to tobacco control matters?
8 A. Yes.
9 Q. Now, do you recall that AB 13 became
10 effective January 1, 1995?
11 A. Yes.
12 Q. Did you undertake any lobbying with respect
13 to AB 13?
14 A. No.
15 Q. Do you recall what the first lobbying was
16 that you did as Assistant Vice-President that pertained
17 to tobacco control matters?
18 A. No.
19 Q. Okay. What topics do you recall were the
20 subject of lobbying, your lobbying activities, with
21 regard to tobacco control as Assistant Vice-President?
22 A. Smoke-free workplaces -- do you mean just at
23 the beginning?
24 Q. Okay.
25 A. That's what you mean? Just when I started
26 doing lobbying?
27 Q. Yes. Well, let's take it from, you know,
28 the first topics you recall.

23

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1 A. The first topics I recall would be
2 smoke-free workplaces and recovering health care costs
3 from the tobacco companies to pay for the State's cost
4 of taking care of people who get sick from smoking.
5 Q. And you began -- those lobbying activities
6 occurred during what period of time?
7 A. Probably the beginning of January of 1995.
8 Q. And for how long?
9 A. How long for what?
10 Q. Well, how long did your lobbying activities
11 continue with respect to smoke-free workplaces?
12 A. They haven't stopped.
13 Q. So continuously since 1995?
14 A. That's correct.
15 Q. And when did lobbying -- how long have you
16 been lobbying -- did you do any lobbying with regard to
17 the subject of recovering health care costs from
18 tobacco companies?
19 A. Probably the first couple years, '95/'96.
20 Q. Now, who was the object of your lobbying
21 activities with regard to smoke-free workplaces?
22 A. The California Legislature.
23 Q. Any other bodies?
24 A. The Governor of the State of California.
25 Q. The Department of Health Services?
26 A. No.
27 Q. Any lobbying that was directed at executive
28 officers of state government other than the Governor?

24

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1 A. No, not that I recall.
2 Q. And who was the object of lobbying with
3 regard to the recovery of health care costs?
4 A. The Legislature and the Governor.
5 Q. Okay. What other tobacco control issues
6 were the subject of lobbying by the American Lung

7 Association of California while you were Assistant
8 Vice-President?

9 A. Are you asking about tobacco control issues
10 in particular or are you talking about just all of the
11 issues that we lobbied on?

12 Q. No. I'm sorry. Tobacco control issues in
13 particular, and perhaps the easiest way is just for you
14 to recite what you recall as to the particular issues
15 in the order that you can remember them occurring.

16 A. So smoke-free workplaces, the recovery of
17 health care costs from the tobacco companies, retailer
18 licensing requirements, enforcement of the Stop Tobacco
19 Access to Kids Enforcement Act, removing the product
20 liability exemption for tobacco. That's what I can
21 recall.

22 Q. Do you recall any lobbying that pertained to
23 the application of AB 13 to bars?

24 A. Yes.

25 Q. What lobbying occurred in that respect?

26 A. Lobbying was centered around defeating
27 attempts to delay implementation of the provisions in
28 the smoke-free workplace act relating to bars, taverns

25

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1 and gaming clubs.

2 Q. Since you began working at the American Lung
3 Association, has -- American Lung Association of
4 California, has that organization done any lobbying
5 with regard to any other topics that pertain to
6 environmental tobacco smoke?

7 A. Not that I can think of.

8 Q. Has the American Lung Association of
9 California done any lobbying to create smoke-free
10 environments in places other than workplaces?

11 A. Could you define maybe the time period that
12 you're speaking of?

13 Q. Since September 1994 at any time.

14 A. And have we done lobbying -- could you
15 restate the question again? I'm sorry.

16 Q. Sure.

17 Has the American Lung Association of
18 California done any lobbying to require a smoke-free
19 environment in any places other than those covered by
20 AB 13?

21 A. No --

22 Q. Has --

23 A. -- not that I'm aware of, not that I can
24 remember.

25 Q. So there has been no lobbying to require
26 smoke-free apartments that you're aware of?

27 A. Correct.

28 Q. Has the subject of smoke-free apartments as

26

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1 a potential topic of lobbying been discussed, to your
2 knowledge, within the American Lung Association of
3 California?

4 A. No.

5 Q. Has it ever been proposed as a subject of
6 lobbying?

7 A. No.

8 Q. When you began working as Assistant
9 Vice-President -- or since you've been working as

10 Assistant Vice-President, what duties did you have with
11 regard to media relations as regard to environmental
12 tobacco smoke?

13 A. To write press releases, call reporters,
14 talk to reporters, communicate our news relations or
15 media relations to our local organizations and to
16 others within the tobacco control community.

17 Q. Did you do any media relations' work as
18 Assistant Vice-President with regard to any specific
19 tobacco control issues that you recall?

20 A. I'm sure I did.

21 Q. Do you recall which issues?

22 A. Probably smoke-free workplaces, retailer
23 licensing, the elimination of the product liability
24 exemption for tobacco, recovering health care costs
25 from tobacco companies.

26 That's what I can recall right now.

27 Q. What does "field relations" mean?

28 A. Communicating with our local American Lung

27

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1 Associations in California.

2 Q. By that, do you mean branches of the
3 American Lung Association of California?

4 A. Branches would be included.

5 Q. And what other organizations?

6 A. Also the affiliates.

7 Q. And the affiliates include separate 501-C3
8 organizations --

9 A. Correct.

10 Q. -- such as Immigrant Trails?

11 A. Correct.

12 Q. While you were Assistant Vice-President, did
13 you have any responsibilities that pertained in any way
14 to Prop. 99?

15 A. Yeah.

16 Q. What responsibilities did you have in that
17 position that pertained to Prop. 99?

18 A. Lobbying responsibilities, communicating to
19 our local offices, communicating with the news media.

20 Q. What were the issues under Prop. 99 that
21 were the subject of lobbying activities by you?

22 A. Funding.

23 Q. Tell me specifically what was the lobbying
24 you did with regard to funding under Prop. 99.

25 A. My lobbying would have been directed toward
26 securing the full voter-approved funding requirements
27 for the Research Account and the Health Education
28 Account under Proposition 99.

28

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1 Q. What do you mean by the "education account"?

2 A. Health Education Account.

3 Q. Are you talking about the funds expended
4 through the Department of Education?

5 A. Yes.

6 Q. Are you talking about any other funds?

7 A. Yes.

8 Q. What other funds?

9 A. Those funds that are incorporated in the
10 Health Education Account, which is one of six accounts
11 under Prop. 99.

12 Q. And your lobbying was also secured -- aimed

13 at securing a full complement of funds for the Research
14 Account?
15 A. That's correct.
16 Q. Was your lobbying aimed at securing the full
17 complement of funds for any of the other accounts?
18 A. No.
19 Q. Why not?
20 A. It wasn't in our interest, primary interest.
21 Q. What were the other accounts that were not
22 in the primary interest to obtain full funding for?
23 A. The Unallocated Account, the Physicians
24 Services Account, the Hospital Services Account, and
25 the Public Resources Account.
26 MR. SIPOS: Can we go off the record for a
27 second?
28 (Discussion held off the record)

29

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1 MR. LERNER: Q. And why was the health
2 education -- why was it important to American Lung
3 Association that the Health Education Account be fully
4 funded?
5 A. Richard, can I ask you --
6 MR. SIPOS: Sure.
7 THE WITNESS: Can we step out just for a
8 second?
9 (Counsel and the witness leave the room to
10 confer 11:11 to 11:14.)
11 THE WITNESS: Can you restate that question?
12 MR. LERNER: Could you reread it, please?
13 (The preceding question was read back.)
14 THE WITNESS: The account had been
15 underfunded, and it was not funded to the level that
16 the voters had approved through the passage of
17 Prop. 99, and it was important to us that the integrity
18 of the initiative be maintained and that it receive its
19 full 20 percent of the funds available through
20 Proposition 99.
21 MR. LERNER: Q. What do you mean by the
22 "integrity of the initiative be maintained"?
23 A. Voters, you know, when they passed Prop. 99
24 expected the funds to be spent the way the initiative
25 said they would be spent, and it was -- at that time,
26 the Health Education Account was not receiving 20
27 percent, or its full allocation, as required under the
28 initiative statute.

30

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1 Q. What is your understanding of the health --
2 what the Health Education Account was?
3 A. I have a pretty good understanding.
4 Q. Okay. What was the Health Education
5 Account?
6 A. It's the account that funds the Department
7 of Education and the Department of Health Services to
8 do tobacco prevention and education.
9 Q. So was it important to the American Lung
10 Association that the tobacco prevention/education
11 programs of the Department of Education and the
12 Department of Health Services be fully funded and
13 according to terms of Prop. 99?
14 A. Yes.
15 Q. And that is the reason that you were doing

16 lobbying on that subject?
17 A. Yes.
18 Q. During what period of time were you lobbying
19 for the full funding of the Health Education Account?
20 A. '95 through today. By that, I mean we
21 haven't stopped lobbying for that.
22 Q. Okay. During what period of time was the
23 Health Education Account not fully funded?
24 A. My best guess is '95/'96.
25 Q. Since 1996, has the Health Education Account
26 been fully funded?
27 A. I believe so.
28 Q. So your lobbying activities with regard to

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1 the full funding issue have been successful since 1996?
2 MR. SIPOS: Objection; calls for
3 speculation.
4 MR. LERNER: I'm giving him a chance here to
5 brag on the record.
6 MR. SIPOS: I understand that, but I don't
7 know that he can answer what the reason for the full
8 funding was, so I'm just objecting --
9 MR. LERNER: Well --
10 MR. SIPOS: -- but he can answer if he can.
11 MR. LERNER: Q. Go ahead.
12 A. Our lobbying may have had something to do
13 with it being fully funded.
14 Q. What was the object of lobbying, your
15 lobbying, with regard to the Health Education Account
16 funding issue or, I should say, who has been?
17 A. The Governor, the State Legislature and the
18 Department of Finance.
19 Q. So when you say, "the Governor," you mean
20 Governor Wilson?
21 A. Yes.
22 Q. And you also mean Governor Davis?
23 A. Yes.
24 Q. Did you personally lobby Governor Wilson
25 with regard to the Health Education Account funding
26 issue?
27 A. No.
28 Q. Did you personally lobby Governor Davis on

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1 that issue?
2 A. No.
3 Q. Whom did you lobby in the Governor's office
4 with regard to the health education funding -- Health
5 Education Account funding issue?
6 A. I can't recall if indeed it was anybody in
7 the Governor's office, per se, that I lobbied.
8 Q. When you say you lobbied the Governor, what
9 do you mean? operationally?
10 A. Well, it may have been that, actually, it
11 was my boss that lobbied the Governor's office, and I
12 lobbied the Legislature.
13 Q. Okay.
14 A. I think that would be more accurate to say.
15 Q. All right. So whom did Mr. Najera lobby?
16 A. I think you'd have to ask Mr. Najera who he
17 lobbied.
18 Q. Are you aware --

19 A. I'm not -- I don't think I could name who in
20 the Governor's office or if he has specifically talked
21 to the Governor about that. Certainly, it may have
22 been somebody. I'm not familiar with that to know.

23 Q. To your knowledge, who in the Governor's
24 office at the present time is responsible for tobacco
25 control funding issues?

26 A. That's a very good question. I wish I knew
27 the answer to that question.

28 Q. Under Governor Wilson, when Governor Wilson

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1 was in office, who in the Governor's office was
2 responsible for tobacco control funding matters?

3 A. I'm not sure if there was any one person
4 that was responsible for those matters.

5 Q. Do you recall the names of --

6 A. In --

7 Q. I'm sorry. Have you finished your answer?

8 A. Yes.

9 Q. I'm sorry. I didn't mean to cut you off.

10 Do you recall the names of any persons in
11 the Governor's office who were responsible while
12 Governor Wilson was in office?

13 A. Yes, and this would include, I think, the
14 Department of Finance because a lot of times people in
15 the Department of Finance are really the "Governor's
16 office," and that's why I think I'm providing an answer
17 in that way.

18 Q. Well, just to get to the next level of
19 generality --

20 A. Sure.

21 Q. -- to help you out here, I mean who
22 specifically was the subject of your lobbying efforts
23 with regard to the Health Education Account funding
24 issue?

25 A. My lobbying efforts would have been directed
26 at the Legislature primarily.

27 Q. And what individuals in the Legislature?

28 A. Well, the entire Legislature, really.

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1 Q. What lobbying activities did you undertake
2 with regard to the Legislature on the Health Education
3 Account funding issue?

4 A. Provided letters, alerts to the Legislature
5 when items were up on the floor of the Senate and the
6 Assembly, communication with staff members of
7 legislators, discussions with legislators, those kinds
8 of activities.

9 Q. Was it part of your responsibility to create
10 lobbying strategy with regard to the Health Education
11 Account funding issue?

12 A. Yes.

13 Q. What did you do to create lobbying strategy
14 on that subject?

15 A. Discussed with my colleagues ways that we
16 could obtain full funding for the Health Education
17 Account and the Research Account.

18 Q. What colleagues are you referring to?

19 A. Tony Najera and other lobbyists who had
20 interests in these issues.

21 Q. What other lobbyists did you have such

22 strategy discussions with?
23 A. Lobbyists with -- lobbyists who represented
24 school districts, the University of California, health
25 organizations, and so forth.
26 Q. Did you meet with any legislators with
27 regard to lobbying strategy?
28 A. Yes.

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1 Q. What legislators did you meet with with
2 regard to lobbying strategy?
3 A. Diane Watson, Nick Petris, Tom Hayden, and
4 that's what I can recall right now.
5 Q. And these were legislators who also favored
6 the full funding of the tobacco Health Education
7 Account?
8 A. That's correct.
9 Q. While you were with American Lung
10 Association of Sacramento - Immigrant Trails, did you
11 have as part of your job -- did you have as part of
12 your duties a responsibility for communicating with the
13 American Lung Association of California on tobacco
14 control issues?
15 A. I may have. I don't know if they were my
16 formal responsibilities or duties.
17 Q. Well, did your work involve any
18 communications -- did your work with that organization
19 involve any communications concerning tobacco control
20 issues?
21 A. Yes.
22 Q. So you had some awareness of what the
23 statewide organization was doing --
24 A. Yes.
25 Q. -- because you were in the field as it were?
26 A. Yes.
27 Q. During the period when you were with the
28 Immigrant Trails organization, are you aware of any

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1 lobbying activities that were conducted by the American
2 Lung Association of California with regard to
3 environmental tobacco smoke issues?
4 A. Yeah, I was aware.
5 Q. Okay. What issues were the subject of
6 lobbying during that time period with regard to
7 environmental tobacco smoke?
8 A. AB 13.
9 Q. What was done by the American Lung
10 Association of California to lobby with respect to
11 AB 13 during that time period?
12 A. You know, I wasn't part of the organization,
13 the American Lung Association of California, so I'm
14 not -- I'm not sure what specific activities were
15 engaged in on AB 13 by that organization at the time.
16 Q. Well, what activities were you aware of that
17 were engaged in by the American Lung Association of
18 California with regard to lobbying for that?
19 A. Meeting with legislators, letters to
20 legislators.
21 Q. Was Mr. Najera the Vice-President of
22 Government Relations for the American Lung Association
23 of California when you were at Immigrant Trails?
24 A. Yes.

25 Q. So it would be fair to say that the American
26 Lung Association of California was among the
27 organizations that lobbied for the passage of AB 13?
28 A. Yes.

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1 Q. It did not -- to your recollection, did the
2 American Lung Association of California oppose the
3 passage of AB 13?

4 A. Not to my recollection.

5 Q. Has your work in media relations -- or I'm
6 sorry. Strike that.

7 Has your work at the American Lung
8 Association of California involved any voter education
9 campaigns?

10 A. What do you mean by "voter education
11 campaigns"?

12 Q. Well, that's a fair question.

13 Has your work involved any activities that
14 pertain to initiatives relating to secondhand smoke
15 issues?

16 A. Yes.

17 Q. What initiatives have you had any
18 responsibility for while you've been at the American
19 Lung Association of California?

20 MR. SIPOS: Regarding ETS?

21 MR. LERNER: Yes. I'm sorry. Thank you.

22 THE WITNESS: Proposition 188.

23 MR. LERNER: Q. Any others?

24 A. Not that I can recall.

25 Q. Did you have any responsibility with regard
26 to Prop. 10?

27 A. Yes.

28 Q. Do you recall that there was an initiative

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1 that sought to prevent the implementation of AB 13 with
2 regard to bars?

3 A. That would have been Proposition 188, to the
4 best of my knowledge.

5 Q. And Proposition 188 was held in November
6 1994. Is that your recollection?

7 A. That's correct.

8 Q. What work was done by the American Lung
9 Association of California with regard to
10 Proposition 188?

11 A. Lots.

12 Q. Well, can you start with a general
13 description of what was done with regard to Prop. 188?

14 A. We campaigned to defeat Proposition 188.

15 Q. What was done?

16 A. We did media relations, grass roots
17 activities and other activities to defeat this measure.

18 Q. Did the other activities include any
19 campaign -- preparation of any campaign materials?

20 A. Probably, yeah.

21 Q. Was there any -- did the work include any
22 direct mail?

23 A. Are you speaking of the American Lung
24 Association of California?

25 Q. Yes.

26 A. There may have been some direct mail from
27 us. I can't recall.

28 Q. Did the American Lung Association of

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1 California do any work with regard to the ballot
2 arguments for Proposition 188?

3 A. Yes.

4 Q. What work was done by the American Lung
5 Association of California with regard to the ballot
6 arguments for Proposition 188?

7 A. Probably assistance in the drafting and
8 editing of such arguments.

9 Q. Did you participate in that work?

10 A. I believe I did. Yes.

11 Q. Okay. Who did you work with on the ballot
12 arguments for Proposition 188?

13 A. I suppose it would have been the campaign
14 manager --

15 Q. Who was that?

16 A. -- and others. The campaign manager was
17 Jack Nicholl.

18 Q. What did you specifically do with regard to
19 the ballot arguments?

20 A. I'm not sure I remember specifically what I
21 did.

22 Q. Did you write arguments?

23 A. I probably wrote, edited, read, etcetera.

24 Q. Did anyone from American Lung Association of
25 California sign ballot arguments for Proposition 188?

26 A. I don't recall specifically, but I believe
27 that we did.

28 Q. To your recollection, did the ballot

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1 arguments for Proposition 188 that you were involved in
2 preparing contain any information relating to the
3 dangers of secondhand smoke?

4 A. Sure.

5 Q. Yes?

6 A. Yes.

7 Q. And what was the outcome of the initiative
8 on Proposition 188?

9 A. It was defeated.

10 Q. And the American Lung Association of
11 California was among the organizations that advocated
12 the defeat of Proposition 188?

13 A. Yes. That's correct.

14 Q. Do you recall what the vote was on
15 Proposition 188?

16 A. I do.

17 Q. What was it?

18 A. It was 71 percent oppose, 29 percent in
19 favor. Your clients took a beating.

20 Q. Did American Lung Association undertake any
21 activities to raise funds for the campaign to defeat
22 Proposition 188?

23 A. Yes.

24 Q. Okay. What was done by the American Lung
25 Association of California to raise funds for the
26 campaign to defeat Proposition 188?

27 A. I believe that we -- "we," the American Lung
28 Association of California, voted to designate some

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1 funds for that purpose, and I believe we requested that
2 the local organizations in California also contribute
3 to the campaign to defeat Prop. 188.

4 Q. When you say, "that purpose," you mean
5 the --

6 A. The defeat of Prop. 188.

7 Q. Not the solicitation of -- not the
8 solicitation of funds in itself?

9 A. I'm not sure I understand the question or
10 the distinction. Maybe you could ask it again.

11 Q. Yes. I mean did the American Lung
12 Association of California raise any money to fund a
13 fund-raising effort?

14 A. Not specifically.

15 Q. So the money that was contributed by the
16 American Lung Association of California was generally
17 contributed to the campaign against Prop. 188?

18 A. That's correct, to the best of my knowledge.

19 Q. Okay. What do you recall was the response
20 of the suggestion by the American Lung Association of
21 California that the local affiliates also contribute?

22 A. I guess I fail to understand: What does
23 this have to do with secondhand smoke? What does that
24 have to do with us educating the public? what processes
25 we used with our local organizations or what their
26 response was?

27 MR. SIPOS: I mean if the proposition was
28 defeated -- and it was -- what is the relevance of

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1 whether they raised funds or how they raised funds to
2 the subject of your litigation?

3 MR. LERNER: Well, the second topic is the
4 methods utilized to achieve the goals to inform, warn
5 and/or educate residents of the dangers of exposure to
6 secondhand smoke --

7 MR. SIPOS: Okay.

8 MR. LERNER: -- and the campaign against
9 Prop. 188 involved warning the public of the dangers of
10 secondhand smoke.

11 MR. SIPOS: Right. And he has already
12 testified at length as to Prop. 188 and Prop. 99 and
13 AB 13 as to what, in general, ALAC has done with regard
14 to those, but in terms of internal fund-raising or how
15 that's done, I don't see how that's relevant to any
16 issue in the litigation or even in the disclosed
17 subject matters, and you could go on literally and ask
18 this witness what he did every day for five or six
19 years, and theoretically, it could fall within some of
20 these subject matters, but that doesn't mean it's
21 relevant or he should be required to answer that.

22 MR. LERNER: Well, I'll certainly attempt to
23 stick to topics that we mutually agree are relevant.
24 We may disagree about some of those things, but I'm not
25 going to go on and on on a detour here for another
26 reason.

27 MR. SIPOS: Yes. I just would like to kind
28 of limit the amount of time the witness has to spend.

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1 I mean, in many respects, he has probably already given
2 you all of the answers you would need for Items 1, 2
3 and 3 in terms of what he has done and what has gone on

4 in the last five years. I mean there may be some area
5 that has been missed, but the level of detail is, you
6 know, getting to be excessive.
7 MR. LERNER: I think we're far from the
8 level you suggest.
9 THE WITNESS: Can I take a break?
10 MR. LERNER: Yes.
11 (Recess taken 11:42 to 11:51)
12 MR. LERNER: Q. You mentioned that American
13 Lung Association of California did some work with
14 respect to Proposition 10, and did the work that was
15 done with regard to Proposition 10 by the American Lung
16 Association of California pertain to any of the dangers
17 with respect to secondhand smoke?
18 A. I imagine there were some messages about
19 that, but I can't recall specifically.
20 Q. What work did you do with regard to
21 Proposition 10?
22 A. What did I do... I certainly communicated
23 about the initiative to our local organizations. I
24 probably talked to the media and probably looked and
25 advised on the ballot arguments, and that's probably
26 what I recall.
27 Q. Did the American Lung Association of
28 California sign ballot arguments in favor of

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1 Proposition 10?
2 A. I believe we did. Yes.
3 Q. Do you recall whether the ballot arguments
4 made reference to the dangers of secondhand smoke?
5 A. I don't recall if they did.
6 Q. The American Lung Association -- is it
7 correct that the American Lung Association of
8 California publishes a newsletter called Capitol
9 Correspondence?
10 A. We did publish a newsletter called Capitol
11 Correspondence.
12 Q. And what was the -- who was the audience for
13 the newsletter?
14 A. Legislators and local lung associations, the
15 California Thoracic Society, and other miscellaneous
16 people who were on that mailing list.
17 Q. Was the use of the Capitol Correspondence
18 publication, one of the methods that was utilized by
19 the American Lung Association of California, to inform,
20 warn and/or educate concerning the dangers of exposure
21 to secondhand smoke?
22 A. It may have. It just depends on the issue.
23 Q. So it would depend on the content --
24 A. Right.
25 Q. -- of a particular...
26 A. Correct.
27 Q. Okay. The first topic referenced on
28 Attachment 3 here, the goals of the American Lung

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1 Association of California to inform, warn and/or
2 educate residents of the dangers of exposure to
3 secondhand smoke from 1991 to the present, can you tell
4 me what the goals of the American Lung Association of
5 California have been with regard to informing, warning
6 or educating residents of the dangers of exposure to

7 ETS?
8 A. Well, I think that is the goal with regard
9 to secondhand smoke or environmental tobacco smoke, to
10 warn and educate the public about the dangers. So I'd
11 say that is the goal.
12 Q. Okay. And does the -- does that goal
13 include educating the public with respect to any
14 particular dangers of environmental tobacco smoke?
15 A. Well, I'm not sure what you mean by
16 "particular."
17 Q. Well, let's -- for example, particular
18 health effects.
19 A. Yes.
20 Q. Okay. What particular health effects are
21 covered by the goal of educating the public of the
22 dangers of secondhand smoke?
23 A. Probably -- I mean I think the answer to
24 that question is the scientific and medical record, the
25 well-established record on the health effects of
26 secondhand smoke. So we would be educating the public
27 about that, and that could be anything from respiratory
28 symptoms, symptoms of distress, heart disease, lung

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1 disease, lung cancer risk, etcetera.
2 Q. And the potential risk of death from
3 secondhand smoke exposure?
4 A. Yes, death would be an impact.
5 Q. Now, are you aware of any -- with regard to
6 Topic 3, are you aware of any evaluations or surveys
7 that were performed to determine the effectiveness of
8 efforts of the American Lung Association of California
9 to inform, warn and/or educate the public of the
10 dangers of exposure to secondhand smoke?
11 A. I may be aware of a question or two in a
12 survey regarding environmental tobacco smoke, but I
13 can't even be certain that that exists.
14 Q. Did the American Lung Association of
15 California undertake or cause to be undertaken any
16 surveys pertaining to public awareness with regard to
17 the dangers of environmental tobacco smoke?
18 A. We may have, and I'm not recalling anything
19 in specific right now.
20 Q. Well, has the American Lung Association of
21 California made any evaluation of the effectiveness of
22 its efforts to warn the public of the dangers of
23 exposure to environmental tobacco smoke?
24 A. I guess I don't understand what's meant by
25 the term "evaluation." If you could explain what you
26 mean by that, it would help me, I think, understand and
27 answer the question.
28 Q. Well, has the American Lung Association of

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1 California done anything that has analyzed the
2 effectiveness of its efforts to inform the public of
3 the dangers of secondhand smoke?
4 A. I suppose, yes.
5 Q. Well, what has been done to analyze the
6 effectiveness of the work in that regard?
7 A. Well, we may have had conversations between
8 staff with our volunteers.
9 Q. Well, let me just take it one further level

10 of generalities. To your knowledge, does the American
11 Lung Association of California do anything to analyze
12 the effectiveness of its work with regard to public
13 education activities?

14 A. In general, public education activities?

15 Q. Yes. How do you know you're getting your
16 message across?

17 A. I believe that we participate in a poll that
18 asks about the public perception of the American Lung
19 Association and perhaps even our messages, but I'm not
20 specifically aware of anything related to environmental
21 tobacco smoke.

22 Q. Well, to your knowledge, has anyone with the
23 American Lung Association of California ever evaluated,
24 even subjectively, the effectiveness of the work done
25 to educate the public on the dangers of environmental
26 tobacco smoke?

27 A. I suppose.

28 Q. Have you?

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1 A. I've thought about it. I don't know if I've
2 evaluated it.

3 Q. What have you thought about the
4 effectiveness of the efforts of the American Lung
5 Association of California to inform or warn the public
6 of the dangers of secondhand smoke?

7 MR. SIPOS: Objection. The question is
8 totally irrelevant and beyond the scope of the subject
9 matters for the deposition. Also, I think the last
10 deponent testified at length about Number 3 and gave
11 you all of the information about the polls that they --
12 the questionnaires that were submitted to the...

13 MR. LERNER: Well, I disagree with your
14 objection, Richard.

15 MR. SIPOS: Well, I mean his -- I'll go
16 back --

17 MR. LERNER: He is the Vice-President of the
18 organization.

19 MR. SIPOS: Okay.

20 MR. LERNER: What he thinks about the
21 effectiveness of these efforts or evaluation of these
22 efforts is certainly something that he would be doing
23 in the course and scope of his responsibilities. If he
24 has any thoughts about it or has thought about it, then
25 that's fair game.

26 MR. SIPOS: What he thinks about the
27 effectiveness of their programs is totally irrelevant
28 to the issues in your litigation. I guarantee it.

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1 MR. LERNER: I disagree totally.

2 MR. SIPOS: I guarantee it. Your defense,
3 as I understand it, is based on whether or not the
4 public was informed of the dangers of secondhand smoke.
5 What Paul Knepprath thinks about that or any other
6 matter, his internal thoughts are totally irrelevant to
7 your defense.

8 MR. LERNER: I guess we'll know when we see
9 what his thoughts are.

10 MR. SIPOS: Well, I'm going to instruct him
11 not to answer that question.

12 MR. LERNER: Q. Have you ever made an

13 evaluation of the efforts of the American Lung
14 Association of California to inform, warn or educate
15 the public of the dangers of exposure to secondhand
16 smoke?

17 MR. SIPOS: And, by "evaluation," do you
18 mean a formal study or poll-taking or are you just
19 talking about his own internal thoughts?

20 MR. LERNER: I'm talking about his thoughts,
21 studies, whatever. "Evaluation" is a word we can look
22 up in a dictionary if you want.

23 MR. SIPOS: Have you done anything besides
24 thinking about the matter? In other words, have you
25 conducted any polls or studies regarding the
26 effectiveness?

27 THE WITNESS: I don't believe so.

28 MR. SIPOS: Okay.

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1 MR. LERNER: Q. Have you given anyone any
2 advice concerning the effectiveness of efforts of the
3 American Lung Association of California to inform, warn
4 or educate the public concerning the dangers of
5 secondhand smoke?

6 A. Probably.

7 Q. What is the basis for the advice that you
8 gave?

9 A. Probably on my belief of whether we're
10 getting our message out effectively or not.

11 Q. Who did you advise?

12 A. I mean that really depends on the time
13 frame, and it could be people from my boss, to our
14 communications staff or local association people.

15 Q. And what advice did you give?

16 A. I'm not sure. I probably said something
17 like either something is going well or something's not
18 going well.

19 Q. What was done by the American Lung
20 Association of California to inform, warn or educate
21 the public of dangers of exposure to secondhand smoke
22 that went well?

23 MR. SIPOS: Objection; vague, ambiguous,
24 overbroad.

25 THE WITNESS: Who's the referee here?

26 MR. SIPOS: Do you understand the question?
27 If you understand it, you can answer it. If you
28 don't --

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1 THE WITNESS: Can you restate the question?

2 MR. LERNER: Q. What did you mean by went
3 "well" in your last answer?

4 A. Perhaps executed communication, information,
5 education.

6 Q. Do personnel of the American Lung
7 Association of California prepare any evaluation forms
8 or prepare evaluations of the work that is done to warn
9 the public with regard to the dangers of secondhand
10 smoke?

11 A. Are you speaking currently or in this whole
12 time frame?

13 Q. Let's take the whole time frame.

14 A. I can't think of anything specifically which
15 we've evaluated our efforts to inform, warn and/or

16 educate regarding specifically secondhand smoke and/or
17 environmental tobacco smoke.
18 MR. LERNER: Mark that next, please.
19 (Whereupon, Defendants' Exhibit 4230 was
20 marked for identification.)
21 MR. LERNER: Q. Exhibit 4230 is an issue of
22 Capitol Correspondence, dated June 1997.
23 Do you recognize this document?
24 A. I do.
25 Q. Is this an issue of Capitol Correspondence
26 issued by the American Lung Association of California
27 on or about June 1997?
28 A. It appears to be, yes.

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1 Q. Okay. The first article in this issue of
2 Capitol Correspondence --
3 A. Uh-huh.
4 Q. -- refers to the defeat of a bill to delay
5 the implementation of AB 13 for smoke-free bars; is
6 that right?
7 A. That is correct.
8 Q. The first lines are, "In a stunning victory
9 for the American Lung Association, a bill that would
10 have delayed the January 1, 1998 implementation of a
11 ban on smoking in bars was defeated recently in the
12 Assembly Labor and Employment Committee by a 5 to 6
13 vote."
14 A. Uh-huh.
15 Q. Was that an evaluation of the effectiveness
16 of efforts by the American Lung Association of
17 California to warn or inform residents of the dangers
18 of exposure to secondhand smoke?
19 A. Not really.
20 Q. So was it an evaluation of the effectiveness
21 of lobbying activity?
22 A. Probably more of that, yes.
23 Q. Okay. The third paragraph of the article
24 refers to news conferences that were held in
25 Sacramento, Los Angeles, San Diego, Fresno, and
26 Berkeley.
27 A. Yes.
28 Q. Do you recall those conferences?

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1 A. Slightly.
2 Q. Were you present for them?
3 A. I believe I was -- I may have been present
4 at the Sacramento news conference.
5 Q. Were the news conferences part of the effort
6 to -- used as part of the effort to defeat the delay in
7 the implement -- of the proposed delay in the
8 implementation of AB 13?
9 A. It appears, from reading this, that's
10 probably true.
11 Q. Do you recall that was part of the strategy?
12 A. I believe -- yeah, I'm recollecting that
13 now. It was some time ago.
14 Q. Have there been other instances where the
15 American Lung Association of California has utilized
16 news conferences or media relations in support of its
17 lobbying activities?
18 A. Yes.

19 Q. Why are news conferences or media relations'
20 activities pursued in support of lobbying activities
21 generally?
22 A. To build pressure on the Legislature to
23 behave the way we are asking them to behave.
24 Q. In this particular instance, to your
25 knowledge, did the news conferences' and media
26 relations efforts' assist in building pressure on the
27 Legislature to defeat the delay in the implementation
28 of the smoke-free bars law?

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1 MR. SIPOS: Objection; calls for
2 speculation. You can answer the question.
3 THE WITNESS: It may have. It's hard to
4 say.
5 MR. LERNER: Q. In your work at the
6 American Lung Association of California, have you ever
7 analyzed whether media relations or news conferences
8 have been effective in building pressure on the
9 Legislature with regard to issues pertaining to
10 secondhand smoke?
11 A. Yes.
12 Q. Okay. Has that ever been the case?
13 A. Has what ever been the case?
14 Q. Has it ever been the case that media
15 relations and news conferences have built pressure on
16 the Legislature with regard to secondhand smoke issues?
17 A. I think this was like the previous question.
18 It's hard to say.
19 Q. What other instances apart from this issue
20 did the American Lung Association of California use
21 media relations and news conferences to build pressure
22 with regard to secondhand smoke issues?
23 A. We may have done media relations around, you
24 know, other -- other legislation that pertained to this
25 issue. I'm not recalling specifically what this may
26 have been, but I think it's fair to say it's an
27 activity that we undertake.
28 Q. Is there any way to say when -- I mean is

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1 this something that's usually done in connection with
2 an important issue?
3 A. Yeah, it may be. It just depends on whether
4 we believe it would help or not.
5 Q. Did the American Lung Association of
6 California use any -- do any media relations or hold
7 any conferences with regard to the Prop. 99 funding
8 issue?
9 A. I don't recall. As it pertains to Page 2 on
10 the Capitol Correspondence in June 1997, I don't recall
11 that we used that kind of media relations.
12 Q. Okay. Page 3 has a topic: Protecting the
13 California Smoke-Free Workplace Act of 1994, and the
14 last paragraph on that page makes specific reference to
15 AB 297. Do you recall AB 297?
16 A. I do.
17 Q. Did you do any work with regard to AB 297?
18 A. Yes.
19 Q. Okay. What was done by you with regard to
20 AB 297?
21 A. I did a lot of lobbying of the Legislature

22 and probably participated in media relations'
23 activities.

24 Q. What was prop -- what was AB 297?

25 A. Assembly Bill 297 was legislation that would
26 have delayed the implementation of the provisions in
27 the smoke-free workplace act pertaining to smoke-free
28 bars, taverns and gaming clubs.

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1 Q. What did you do specifically by way of
2 lobbying on AB 297?

3 A. Talked to legislators, wrote letters.

4 MR. SIPOS: Before you finish your answer,
5 is this the one you already testified about? I thought
6 we had a whole series where you testified about what
7 you did in response to the measure to delay
8 implementation of AB 13, or is this something
9 different?

10 THE WITNESS: Yeah, that was -- I mean, to
11 my knowledge, we have not talked about Assembly
12 Bill 297.

13 MR. SIPOS: Okay. My fault. Go ahead.

14 MR. LERNER: Q. We were talking about the
15 one that -- Proposition 188 was in 1994. This is
16 something that occurred in 19 -- well, when did this
17 occur?

18 A. It appears that it occurred in 1997.

19 Q. Do you recall what media relations'
20 activities were undertaken by the American Lung
21 Association of California with regard to AB 297?

22 A. I don't recall specifically what media
23 relations' activities we undertook.

24 Q. What do you recall was the disposition of
25 AB 297?

26 A. By "disposition," what do you mean?

27 Q. Well, what happened to AB 297?

28 A. It ultimately failed passage.

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1 Q. And was the failure of AB 297 to obtain
2 passage also a product of lobbying by the American Lung
3 Association of California?

4 MR. SIPOS: Objection; calls for
5 speculation. You can answer the question.

6 THE WITNESS: It may have.

7 MR. LERNER: Q. Would you please refer to
8 the article on Page 3 of Exhibit 4230, entitled
9 Increasing the Tobacco Tax, and you'll see that refers
10 to SB 552.

11 A. Yes.

12 Q. And it says that -- the article says, "The
13 American Lung Association of California is
14 co-sponsoring legislation (SB 552, Watson,
15 D-Los Angeles) authorizing a 50-cents-per-pack
16 increase."

17 Do you have an understanding what this
18 document means when it says that the American Lung
19 Association is co-sponsoring the legislation?

20 A. "Co-sponsorship" refers to being one of
21 several organizations that is a lead on the legislation
22 in lobbying its passage, generally speaking, in the
23 lexicon of the Legislature.

24 Q. So technically, a legislator is the sponsor?

25 A. A legislator is an author.
26 Q. And "sponsor" means an organization that
27 wants a particular piece of legislation passed and
28 takes the lead in obtaining its passage?

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1 A. That's generally what it refers to.
2 Q. What happened to SB 552?
3 A. I believe it failed passage.
4 Q. What was SB 552 designed to accomplish?
5 A. What's the relevance of SB 552 to
6 environmental tobacco smoke? because I believe this is
7 a tobacco tax measure.
8 Q. Well, let me -- that's what I'm trying to
9 find out from you. Was SB 552 designed to reduce
10 environmental tobacco smoke in any way?
11 A. I mean I think it was -- as it says here,
12 it's to increase the tobacco tax. That's what it
13 was -- that's what the legislation would have done. It
14 would have authorized a 50-cents-per-pack increase on
15 cigarette products in California. What I'm reading
16 here is what SB 552 does.
17 Q. Did you do any work on SB 552?
18 A. I believe so.
19 Q. Was the increase in the tobacco tax proposed
20 by Prop. 552 aimed in the view of the American Lung
21 Association of California at reducing the incidence of
22 smoking in California?
23 A. Yes.
24 Q. And collaterally then to reduce the
25 incidence of environmental tobacco smoke in California
26 also?
27 A. Potentially.
28 Q. After the failure of SB 552 to obtain

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1 passage, did the American Lung Association of
2 California undertake any other efforts to obtain an
3 increase in the tobacco tax?
4 A. I guess I still fail to understand:
5 What does the tobacco tax have to do with
6 environmental tobacco smoke?
7 Q. I thought you just testified that an
8 increase in the tobacco tax would reduce the incidence
9 of smoking.
10 A. That's correct.
11 Q. Okay. And a reduction in the incidence of
12 smoking would reduce the amount of smoke generated in
13 the environment.
14 A. I said, "potentially."
15 Q. Potentially.
16 Was it the view of the American Lung
17 Association of California that an increase in the
18 tobacco tax would have any impact on the incidence of
19 environmental tobacco smoke?
20 A. I don't believe so.
21 MR. LERNER: Okay. I think this would be a
22 good time for me to take a break for lunch and try to
23 sort out what it is I need to ask you about.
24 Hopefully, that will be less rather than a little bit
25 more. So I suggest we try to take like 45 minutes.
26 MR. SIPOS: 1:15 then?
27 MR. LERNER: That would work.

28 THE WITNESS: That's 50 minutes.

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1 MR. SIPOS: 1:10 then. My watch is a little
2 fast.

3 (Afternoon recess taken 12:25 to 1:26)

4 AFTERNOON SESSION - 1:26 PM

5 CONCLUDED EXAMINATION BY MR. LERNER

6 MR. LERNER: Just read back the last
7 question and answer.

8 (The record was read back as requested.)

9 MR. LERNER: Q. Mr. Knepprath, I don't know
10 if I asked you this originally. If I did, please
11 forgive me. Have you had your deposition taken before?

12 A. No, I have not.

13 Q. Have you ever provided any testimony to the
14 Legislature with regard to the position of the American
15 Lung Association on any secondhand smoke-related
16 issues?

17 A. Yes.

18 Q. Okay. What testimony have you provided to
19 the Legislature in that regard?

20 A. Well, several times and around all the
21 legislation, I think, that we've talked about. So if
22 it was legislation pertaining to some impact on
23 secondhand smoke exposure and I was following that
24 legislation for our staff, then I'm sure I testified on
25 it.

26 Q. When you say, "testified," that means you
27 testified at committee hearings?

28 A. Yes. Yes.

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1 Q. And perhaps you can do this for me as you
2 best recollect in chronological order:

3 Can you describe for me the occasions at
4 which you've provided testimony regarding secondhand
5 smoke-related issues?

6 A. Well, it would have been, like I said, any
7 bill that, you know, I had responsibility for,
8 including many of those we've talked about in which
9 there was a hearing on that bill, and more than likely,
10 I testified on probably every opportunity or occasion
11 that I could.

12 Q. Approximately how many times have you
13 testified before the Legislature with regard to
14 environmental tobacco smoke issues?

15 A. I'm guessing, you know, between 25 and 50
16 times in the last five years.

17 Q. Was your testimony, to your knowledge,
18 transcribed and printed?

19 A. Not to my knowledge.

20 Q. In any case?

21 A. I don't believe so.

22 Q. Which committees did you testify before on
23 ETS-related issues?

24 A. The Assembly Labor and Employment Committee,
25 Assembly Appropriations Committee, the Senate Health
26 Committee, potentially the Assembly Government
27 Organization Committee.

28 Q. What topics pertaining to secondhand smoke

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1 have you testified about?
2 A. Probably the legislative issues that impact
3 secondhand smoke, such as the California Smoke-Free
4 Workplace Act and various attempts to weaken or repeal
5 that or any of its provisions.
6 Q. Have you submitted any prepared statements
7 for any of your testimony?
8 A. I may have, but it's generally not the
9 practice.
10 Q. The practice is generally to take ad hoc
11 questions and answers?
12 A. Generally, it's to provide verbal testimony
13 in support or in opposition to a piece of legislation.
14 Q. Is there any record of your testimony
15 anywhere that pertains to the testimony you gave on
16 environmental tobacco smoke?
17 A. There may be. I'm not aware of any.
18 Q. Okay. What is the -- can you tell me the
19 last time you testified before the Legislature on an
20 issue pertaining to secondhand smoke?
21 A. I might be able to.
22 Q. What do you recall?
23 A. I believe it was January of this year, 2000.
24 Q. What committee did you testify before?
25 A. I believe it was the Assembly Labor and
26 Employment Committee.
27 Q. And who was the chairman of that committee?
28 A. Assembly Member Darrell Steinberg.

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1 Q. What was the subject of your testimony at
2 that time?
3 A. I believe it was Assembly Bill 1159.
4 Q. What was AB 1159 about?
5 A. I believe -- I believe it would have
6 required an economic study of the impacts of the
7 smoke-free bars provisions of the smoke-free workplace
8 act.
9 Q. Who was the sponsor of AB 1159, to your
10 knowledge?
11 A. I don't know who the sponsor was.
12 Q. And can you summarize what your testimony
13 was at that time?
14 A. I testified in opposition to its passage and
15 suggested that this bill was just another attempt by
16 the tobacco companies to prolong the so-called "debate"
17 around secondhand smoke exposure and its health
18 impacts.
19 Q. Did you have any facts on which you based
20 your suggestion that AB 1159 was just another attempt
21 by tobacco companies to prolong the debate?
22 A. I always use facts.
23 Q. What were the facts on which you based that
24 testimony?
25 A. That the tobacco companies and the
26 pro-smoking forces have continually wanted to undermine
27 the implementation of the California Smoke-Free
28 Workplace Act.

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1 Q. Are you aware that AB 1159 was sponsored by
2 any cigarette manufacturers?
3 A. I'm not aware of that.

4 Q. Are you aware of what pro-smoking groups may
5 have sponsored AB 1159?
6 A. I don't know if there were any, per se,
7 sponsors of AB 1159. You'd probably need to ask the
8 author of the bill.
9 Q. Who was the author of AB 1159?
10 A. Brett Granlun, Assembly Member Brett
11 Granlun.
12 Q. And he is affiliated with which party?
13 A. The Republican Party.
14 Q. And where is he from?
15 A. Yucaipa, California.
16 Q. What was the -- what do you recall was the
17 most recent time before January 2000 for testimony that
18 you testified before the Legislature concerning an
19 environmental tobacco smoke-related issue?
20 A. I can't really remember.
21 Q. Did you testify on any secondhand smoke
22 issues during 1999?
23 A. Probably.
24 Q. Do you recall how many times?
25 A. I don't.
26 Q. Have you ever given any speeches, that is
27 since you've been with American Lung Association of
28 California, pertaining to secondhand smoke issues?

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1 A. Yeah, I'm sure I have.
2 Q. When have you given speeches on that issue
3 or those issues?
4 A. You know, I'm not sure I can recall
5 specifically when.
6 Q. Do you recall approximately how many
7 speeches you've given with regard to secondhand smoke
8 issues?
9 A. I couldn't say really for sure. I mean
10 maybe somewhere between 5 and 25, maybe. It depends on
11 what you mean by "speeches."
12 Q. Well, have you ever given any talks or --
13 what do you mean? What do you think a "speech" is? I
14 don't want to, you know, disagree on terminology. It's
15 any talks or any speaking before any groups.
16 A. Yeah. I'd say probably between 5 and 25,
17 whatever my answer was. Yeah.
18 Q. When is the most recent time you've spoken
19 to a group about issues relating to secondhand smoke?
20 A. I believe I spoke at a rally this year, and
21 I may have mentioned, you know, environmental tobacco
22 smoke in the speech.
23 Q. What was --
24 A. I'm not sure.
25 Q. What was the rally you spoke at that you're
26 referring to?
27 A. It was a youth rally. It was a youth rally,
28 a bunch of kids in Sacramento at the Capitol steps.

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1 Q. And who arranged for you to speak at that
2 rally?
3 A. I was asked to speak by the California Youth
4 Advocacy Network.
5 Q. What groups have you spoken to concerning
6 secondhand smoke issues?

7 A. Well, I mean in the last five years? in the
8 last two years or does it matter? What time frame are
9 we talking?
10 Q. Well, I'm asking with regard to the time
11 period since you've been -- since you began as
12 Assistant Vice-President at the American Lung
13 Association of California, and obviously, I don't --
14 you know, I'm not trying to test your memory.
15 A. Yeah.
16 Q. I just want to know what you recall about
17 which you testified before -- or I mean you spoke
18 before.
19 MR. SIPOS: With regard to ETS.
20 THE WITNESS: Right. I have a hard time
21 remembering which ones I spoke to, you know, about
22 which issues. Yeah. I'm not really coming up with a
23 specific group where I talked specifically about ETS.
24 MR. LERNER: Q. Well, just to try to
25 refresh your recollection --
26 A. Sure.
27 Q. -- what groups have you spoken to with
28 regard to tobacco control issues?

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1 A. I've spoken before gatherings of project
2 directors from all the Prop. 99-funded programs, local
3 tobacco control programs in various counties,
4 conferences of tobacco control advocates around the
5 state and around the nation, etcetera.
6 Q. Did you ever prepare in advance any remarks
7 that you gave in any of these talks that related to
8 ETS?
9 A. If I did, I'm sure you've got a copy of it.
10 Q. Okay.
11 A. Sometimes I do prepare text and sometimes I
12 don't.
13 Q. Okay. Have you ever -- since you've been --
14 began with American Lung Association of California --
15 made any television or radio appearances with regard to
16 issues pertaining to secondhand smoke?
17 A. Yes.
18 Q. How many times have you appeared on
19 television or radio with regard to secondhand smoke
20 issues?
21 A. I'm guessing between 25 and 100.
22 Q. When was the last -- and what is the nature,
23 generally speaking, of the appearances that you've made
24 on TV and radio with regard to secondhand smoke issues?
25 Have these, for example, been interviews --
26 A. Yeah.
27 Q. -- or clips of speeches or what?
28 A. Interviews.

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1 Q. Okay. What issues pertaining to secondhand
2 smoke have you appeared on radio/TV interviews about?
3 A. Well, I'm sure it was about the health
4 effects of environmental tobacco smoke and something
5 that was connected with that -- legislation, a new
6 study that came out, a new action by the federal or
7 state government, or something to that nature.
8 Q. Do your media relations' duties include
9 acting as a spokesman for American Lung Association of

10 California on tobacco control issues?
11 A. Sometimes.
12 Q. Is there anyone else who acts as a TV or
13 radio spokesman for the organization?
14 A. Yeah, there are other people who have those
15 either responsibilities or volunteer for those
16 responsibilities.
17 Q. When is the last time that you appeared on
18 TV or radio, on a TV or radio interview, with regard to
19 secondhand smoke issues?
20 A. I can't recall.
21 Q. Do you have any record that documents the
22 times or your appearances on radio and TV?
23 A. No. I wish I had kept one of those as well
24 as all my speeches. Yeah. My grandmother would have
25 liked that.
26 Q. I'll remember to do that the next time I'm
27 asked. How many times have you appeared or been
28 interviewed this year with regard to secondhand smoke

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1 issues for radio or TV?
2 A. I'm not sure I've been interviewed at all
3 this year on environmental tobacco smoke issues.
4 Q. Approximately how many times were you
5 interviewed during 1999 on secondhand smoke issues?
6 A. You know, I don't know.
7 Q. Okay. That's fair. I'm not trying to test
8 your -- you know, test your memory here.
9 A. Yeah. I don't know.
10 Q. Do you recall any of the persons who -- the
11 names of any of the persons or reporters who
12 interviewed you?
13 A. Sure.
14 Q. Okay. Who has interviewed you for radio or
15 television with regard to secondhand smoke issues?
16 A. Well, you know, I don't know if it was a
17 secondhand smoke issue or not. I mean I would be
18 merely speculating if I told you the name of a reporter
19 who interviewed me, thinking that I can remember
20 whether or not I test -- whether or not I spoke about
21 environmental tobacco smoke or not.
22 Q. Well, with regard to tobacco -- let's try to
23 make it a little more general then and try to hone in.
24 Do you recall the names of the reporters who
25 interviewed you with regard to tobacco issues?
26 A. Sure.
27 Q. Who have they been?
28 A. Marci Brightwell, Kevin Riggs, Suzanne

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1 Marmian, Mike Montgomery, Gloria -- I'm blanking on her
2 name -- and others that, you know, I don't recognize or
3 I can't remember their names.
4 Q. Okay. Who is Marci Brightwell with?
5 A. She's a reporter with a company called
6 Northern California News Satellite.
7 Q. And that's a radio?
8 A. Television.
9 Q. Television. And who is Kevin Riggs with?
10 A. He's a reporter with KCRA TV.
11 Q. K-C?
12 A. R-A.

13 Q. In Sacramento?
14 A. Yes.
15 MR. SIPOS: Channel 3.
16 THE WITNESS: Channel 3.
17 MR. LERNER: Q. Who is Suzanne Marmian
18 with?
19 A. She's a reporter for Capitol Public Radio.
20 Q. And who is Mike Montgomery with?
21 A. Capitol Public Radio.
22 Q. And who is Gloria with?
23 A. She's a -- she's going to love this. She's
24 with KX TV in Sacramento.
25 Q. Have you given any TV or radio interviews to
26 reporters from outside Sacramento?
27 A. Do you mean -- by "outside Sacramento," do
28 you mean by the reporter being someone who doesn't

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1 report from Sacramento but reports from another
2 location?
3 Q. Well, with media based in another location.
4 A. Yeah, I'm sure I have.
5 Q. Can you recall any of those names?
6 A. No.
7 Q. Have you given any interviews to newspaper
8 reporters with regard to secondhand smoke issues?
9 A. Yes.
10 Q. Approximately how many times have you given
11 newspaper interviews with regard to secondhand smoke
12 issues?
13 A. I don't know.
14 Q. Can you estimate approximately?
15 A. Yeah. I don't know. For secondhand smoke
16 alone, you know --
17 MR. SIPOS: From '94 to the present.
18 THE WITNESS: Right. 25 to 50. I'm
19 guessing.
20 MR. LERNER: Q. Well, would it be fair to
21 say it has happened frequently?
22 A. I wish it were more frequently.
23 Q. But you would agree that it has happened
24 frequently?
25 A. It depends on -- I mean if you're -- it
26 depends on what you mean by "frequently." I mean there
27 are people who get interviewed far more frequently than
28 I do, and so I wouldn't say that I necessarily get

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1 interviewed frequently.
2 Q. Okay. Have other people with the American
3 Lung Association of California been interviewed more
4 frequently than you with regard to secondhand smoke
5 issues?
6 A. Probably not.
7 Q. What reporters have you given interviews to
8 with regard to secondhand smoke issues?
9 A. You want me to attempt to name these?
10 Q. If you can, yes.
11 A. Okay. Jim Sweeney, Copley News Service.
12 Would you like it if I just gave you the
13 name of their media outlet as well?
14 Q. That would be helpful. Thanks.
15 A. Dan Morain, Los Angeles Times. Mark

16 Gladstone, Los Angeles Times. Hallye Jordan, San Jose
17 Mercury News. Greg Lucas, San Francisco Chronicle.
18 Jon Matthews, Sacramento Bee. Steve Lawrence,
19 Associated Press. Sam Dehlson, Oakland Tribune, now
20 with Riverside Press. Steve Capps, Sacramento Bee.
21 Bob Saliday, San Francisco Chronicle.

22 MR. SIPOS: Can you spell his name for the
23 court reporter?

24 THE WITNESS: S-a-l-i-d-a-y.

25 Stephen Greene, Sacramento Bee. Mary Lynn
26 Velinga, Sacramento Bee. Henry Weinstein, Los Angeles
27 Times. Ed Mendel, San Diego Union Tribune, and I may
28 be missing some others.

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1 MR. LERNER: Q. Have you given interviews
2 regarding secondhand smoke to reporters to newspapers
3 located outside of California?

4 A. Yes.

5 Q. Okay. Can you tell me the names of those
6 reporters?

7 A. I can't.

8 Q. Can you tell me the names of the ones you
9 remember, please?

10 A. I really don't recall.

11 Q. Do you recall the names of any newspapers
12 represented by -- or any out-of-state newspapers
13 represented by such reporters?

14 A. Yeah. There's a paper called The Lancet.

15 Q. The medical journal?

16 A. Yeah, I think it's a medical journal. I
17 believe it's based in the Washington, D.C. area. I
18 mean I've been interviewed by the Louisville whatever
19 it is.

20 Q. Courier?

21 A. Okay. And I -- you know, I just -- I don't
22 recall.

23 Q. Okay.

24 A. If I had my database of all those things,
25 I'd get it right there.

26 (Whereupon, Defendants' Exhibit 4231 was
27 marked for identification.)

28 MR. LERNER: Q. Can you please identify

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1 Exhibit 4231?

2 A. You're asking me?

3 Q. Yes.

4 A. This appears to be the Capitol -- an issue
5 of Capitol Correspondence in the fall of 1997.

6 Q. And this is a newsletter that was prepared
7 by the American Lung Association of California and
8 issued at that time frame?

9 A. Yes.

10 (Whereupon, Defendants' Exhibit 4232 was
11 marked for identification.)

12 MR. LERNER: Q. Can you please identify
13 Exhibit 4232?

14 A. Well, this appears to be an analysis of the
15 vote on Proposition 188.

16 Q. And is this a memo that you drafted and sent
17 to California Tobacco Control Advocates on or about
18 February 4, 1998?

19 A. It appears that I did.
20 Q. What was the purpose of this memorandum and
21 analysis?
22 A. It appears that the purpose of the
23 memorandum was to transmit the information attached,
24 which is the analysis of the vote of Prop. 188, and
25 your second question was... and what's the purpose of
26 the analysis?
27 Q. Right.
28 A. It appears that it -- the purpose was to

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1 underscore the fact that there was widespread support
2 for smoke-free workplaces and the strong approach that
3 the Legislature had taken with passage of AB 13 and
4 that Prop. 188 was a repudiation of that.

5 Q. Do you recall what prompted you to write
6 this memo and send out the analysis?

7 A. Just good communication.

8 Q. Was there any particular issue that
9 motivated the memorandum or the drafting of the
10 memorandum in February 1998?

11 A. Yeah. I mean it appears that the tobacco
12 companies are not backing off from their legislative
13 efforts to weaken or repeal the smoke-free workplace
14 act.

15 Q. Did you prepare this memorandum in
16 connection with an attempt to defeat AB 297? You may
17 refer to the third paragraph.

18 A. Yeah, I'm looking for it.

19 Q. The second sentence of the third paragraph
20 says, "The tobacco industry is attempting to repeal
21 these same provisions in Assembly Bill 297."

22 A. Yeah, apparently so. That was one of the
23 intended purposes for this.

24 Q. And another purpose then was to inform the
25 California Tobacco Control Advocates that the voters in
26 1994 had already overwhelmingly rejected that idea or
27 the idea, the proposal of AB 297?

28 A. Yeah, apparently so.

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1 Q. Okay. Who are the "California Tobacco
2 Control Advocates" referenced in this?

3 A. I'd like to know myself. I'm sure that this
4 is people out in California who have an interest in
5 tobacco control policy and activities, primarily the
6 Proposition 99-funded probably -- Proposition 99-funded
7 organizations or other activists up and down the state.

8 Q. Did you have a mailing list or a recipient
9 list for communications pertaining to tobacco control
10 issues?

11 A. Yeah, I must have.

12 Q. So this was sent to one of your mailing
13 lists?

14 A. Yeah. I guess so.

15 (Whereupon, Defendants' Exhibit 4233 was
16 marked for identification.)

17 MR. LERNER: Q. Can you please identify
18 Exhibit 4233, please?

19 A. This appears to be an issue of the Capitol
20 Correspondence from June of 1998.

21 Q. And this document was published by the

22 American Lung Association?
23 A. Yes.
24 (Whereupon, Defendants' Exhibit 4234 was
25 marked for identification.)
26 MR. LERNER: Q. Can you please identify
27 Exhibit 4234?
28 A. This appears to be the Capitol Report from
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1 November 1998.
2 Q. And what is the "Capitol Report"?
3 A. This is a publication of the Government
4 Relations Office of the lung association.
5 Q. That's your office?
6 A. Yes.
7 Q. How does the Capitol Report differ from the
8 newsletter called Capitol Correspondence?
9 A. It's a different name.
10 Q. It's the same newsletter, but the name had
11 been changed?
12 A. Yeah.
13 Q. And what was the reason that the name had
14 been changed?
15 A. I liked the way the "Capitol Report"
16 sounded. Does that really matter?
17 Q. I just was wondering what the difference
18 between these two documents is.
19 A. You're just curious?
20 Q. (Nods head.) If there was any difference.
21 A. Oh.
22 Q. Do you have any responsibilities for
23 preparing -- did you have responsibilities for
24 preparing the Capitol Correspondence newsletter and the
25 Capitol Report letter?
26 A. Yes.
27 Q. Did you write those newsletters?
28 A. I had primary responsibility for the
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1 writing, yes.
2 Q. When did you become primarily responsible
3 for the writing of the newsletter?
4 A. January '95, I believe.
5 Q. So would it be fair to say that
6 Exhibit 4230, which is the newsletter from June 1997,
7 was primarily authored by you?
8 A. Which exhibit? I'm sorry.
9 Q. That's Exhibit 4230.
10 A. I don't believe I have that. I have 4231,
11 4233.
12 Q. Here's 4230.
13 A. Thank you. It looked like a six.
14 Yes, I believe this was primarily authored
15 by me.
16 Q. Okay. And were you the primary author of
17 Exhibit 4231, which is the Capitol Correspondence issue
18 for Fall 1997?
19 A. Yes.
20 Q. Were you the primary author of Exhibit 4233,
21 which is the issue of Capitol Correspondence for June
22 1998?
23 A. Yes.
24 (Ms. Thro leaves the room.)

25 MR. LERNER: Q. Were you the primary author
26 of the issue of the Capitol Report for November 1998,
27 which is Exhibit 4234?
28 A. Yes.

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1 (Whereupon, Defendants' Exhibit 4235 was
2 marked for identification.)
3 MR. LERNER: Q. Can you please identify
4 Exhibit 4235?
5 A. This appears to be the Capitol Report of the
6 American Lung Association, Spring 1999.
7 Q. Were you the primary author of this issue of
8 the Capitol Report?
9 A. Yes. I believe so.
10 (Ms. Thro rejoins the proceedings.)
11 MR. LERNER: Let's go off the record for a
12 minute.
13 (Brief pause in proceedings)
14 (Whereupon, Defendants' Exhibit 4236 was
15 marked for identification.)
16 MR. LERNER: Q. Before you take a look at
17 the next exhibit, is the American Lung Association of
18 California continuing to issue the Capitol Report?
19 A. Yes.
20 Q. Have there been editions since Spring 1999?
21 A. I believe so, but there may not have been.
22 Q. Really?
23 A. Yeah.
24 Q. Why not?
25 A. I think we've done one since that time,
26 yeah.
27 Q. Do you recall when that was -- that issue
28 was -- came out?

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1 A. No. No. It probably would have been in the
2 fall if we did one.
3 Q. So there has not been one since -- during
4 the year 2000?
5 A. No, there has not.
6 Q. Okay. Is there some reason that the
7 document has not been published this year?
8 A. No.
9 Q. So this is an occasional publication?
10 A. Right.
11 Q. All right. Do you happen to recall whether
12 the issue for Fall 1999, that you just referenced,
13 contained any material that pertained to secondhand
14 smoke?
15 A. You know, I'm not sure. I'm not even sure
16 we produced one. If we did, you know, we probably had
17 a -- you know, an article that had some reference to
18 ETS, but again, I'm not -- I'm not recalling it. I'm
19 not even recalling whether or not we produced one.
20 Q. Can you please identify Exhibit 4236?
21 A. This is the Public Policy Agenda of the
22 American Lung Association of California and the
23 California Thoracic Society.
24 Q. Did you have any involvement in the
25 preparation of this document?
26 A. Some. Minor.
27 Q. What was your involvement in the preparation

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1 A. Potentially, I looked at the document for
2 changes that needed to be made.

3 Q. To your knowledge, is this Public Policy
4 Agenda a program that was approved by the Board of
5 Directors of the American Lung Association of
6 California?

7 A. Yes.

8 Q. Page 6 of this document describes
9 Objective VII - Tobacco Control. Do you see that?

10 A. Yes.

11 Q. To your knowledge, were there any items
12 under the tobacco control agenda that pertained to
13 secondhand smoke?

14 A. Apparently not.

15 Q. Does that mean that reduction of secondhand
16 smoke or any other secondhand smoke-related issues were
17 not part of the Public Policy Agenda of the American
18 Lung Association of California in 1999?

19 A. No, that does not mean that.

20 Q. Okay. So notwithstanding the fact that this
21 document doesn't mention secondhand smoke, the American
22 Lung Association of California did have a Public Policy
23 Agenda pertaining to secondhand smoke for 1999?

24 A. Well, the first part of your statement or
25 question is incorrect. You have a miscopied document.
26 We do have enforcement of the California Smoke-Free
27 Workplace Act as part of our Public Policy Agenda, and
28 that means that, yes, we did work on that issue in

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1 1999.

2 Q. What section of the document are you
3 referring to?

4 A. Page 5.

5 Q. So the secondhand smoke agenda is identified
6 under Objective VI - Research Advocacy?

7 A. No.

8 Q. I'm sorry.

9 MR. SIPOS: Are you on Page 5? Look at the
10 third bullet.

11 MR. LERNER: I see.

12 Q. The third bullet on Page 5?

13 A. Right.

14 Q. Okay. Is the first bullet under
15 Objective VI "full appropriation of the Proposition 99
16 tobacco-related research program" also part of the
17 secondhand smoke agenda?

18 A. No.

19 Q. So the only item here that would be enforced
20 is the California Smoke-Free Workplace Act of 1994?

21 A. Apparently, yes. Although, I don't know
22 what's on Page 4 from this document, so I can't fully
23 answer that question.

24 Q. Has the American Lung Association of
25 California adopted a Public Policy Agenda for the year
26 2000?

27 A. Yes.

28 Q. When was the Public Policy Agenda for the

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1 year 2000 adopted by?
2 A. I believe it was adopted in June of 2000.
3 Q. And were any items on the -- did any items
4 or do any items on that agenda pertain to secondhand
5 smoke?
6 A. Yes.
7 Q. What are those?
8 A. I believe it's the enforcement of the
9 California Smoke-Free Workplace Act.
10 Q. Does the Public Policy Agenda at present for
11 the -- well, let me ask it this way:
12 What are the public policy goals at present
13 of the American Lung Association of California with
14 respect to secondhand smoke?
15 A. The goals... to continue implementation of
16 the smoke-free workplace act and the enforcement of the
17 smoke-free workplace act and compliance with the
18 smoke-free workplace act and generally the elimination
19 of, you know, public exposure to secondhand smoke.
20 Q. Do the present goals include the adoption of
21 any specific or of any legislation?
22 A. No.
23 Q. Do you presently have any responsibilities
24 that pertain to the Educating Key Opinion Leaders
25 Grant?
26 A. Yes.
27 Q. And what are your responsibilities with
28 regard to that Grant?

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1 A. I believe they're listed in the Grant. I'm
2 on the Grant for a percentage of my time, and I have
3 some responsibilities for training and doing some
4 briefings.
5 Q. When you say, "training," what are you
6 referring to?
7 A. Training people in how to do an educational
8 visit with a key opinion leader.
9 Q. In other words, how to educate a public
10 official or a community leader?
11 A. Right.
12 Q. And what techniques do you counsel be used
13 for that purpose?
14 A. Effective techniques.
15 Q. Such as?
16 A. I mean I'm not sure how this relates at all
17 to this whole lawsuit.
18 Q. Well, let me ask that a different way.
19 Have you done any work yourself in
20 attempting to educate key opinion leaders concerning
21 secondhand smoke apart from your lobbying activities?
22 A. I suppose I have, yes, not under this Grant
23 that you're referring to.
24 Q. What have you done in that regard?
25 A. I've probably provided information and
26 talked to people about the health effects of secondhand
27 smoke.
28 Q. And can you describe for me the range of key

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1 opinion leaders that you've talked to about that?
2 A. Probably, primarily, elected officials.
3 Q. What elected officials are you referring to

4 other than members of the Legislature?
5 A. I think primarily it would be the
6 Legislature that I'm referring to.
7 Q. And you mentioned also that your Grant
8 responsibilities include briefings.
9 A. Yeah.
10 Q. What briefings are you referring to?
11 A. I believe, in the Grant, we're to conduct
12 some briefings of legislators on this project.
13 (Whereupon, Defendants' Exhibit 4237 was
14 marked for identification.)
15 MR. LERNER: Q. Have you had a chance to
16 look over Exhibit 4237?
17 A. Uh-huh.
18 Q. Can you identify this, please?
19 A. It looks to be a copy -- I'm not sure if
20 this is a draft copy or if it's the final copy, but it
21 appears to be some version of a copy of the scope of
22 work for the American Lung Association of California's
23 Educating Key Opinion Leaders Grant.
24 Q. Did you review the draft of the Grant before
25 it was submitted, the grant application?
26 A. Yes.
27 Q. So you've seen this document before --
28 A. Yes.

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1 Q. -- or a version of it?
2 A. Uh-huh.
3 Q. And did you provide any input to the grant
4 application?
5 A. Yes.
6 Q. Okay. What was your role in developing the
7 grant application?
8 A. I think I helped with the portions that our
9 office would be responsible for, such as the key
10 briefings of legislators as well as doing the trainings
11 for the key opinion leaders at the local level and how
12 we would go about doing that.
13 Q. To your knowledge, is one purpose of the
14 Grant to change views of key opinion leaders on issues
15 pertaining to secondhand smoke?
16 A. I think the purpose of the Grant -- and it's
17 stated in the grant application. It's about changing
18 social norms, about tracking the increase in support of
19 social norm change by key opinion leaders.
20 Q. What do you mean "changing social norms" or
21 what was meant by "changing social norms," to your
22 knowledge?
23 A. It refers to a community's, I think,
24 acceptance of certain realities, behaviors, etcetera,
25 such as exposure of secondhand smoke to people and the
26 health impacts that that would bring.
27 Q. So in this -- let me try and summarize.
28 In this instance then, one purpose of the

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1 Grant or purpose of the Grant is to educate key opinion
2 leaders that exposure to secondhand smoke should not be
3 considered an acceptable social practice?
4 A. That could be. I don't know if that is
5 actually the -- I don't think that's the stated purpose
6 of this Grant, and I'm not even sure anybody is working

7 on an issue related to what you're suggesting.
8 MR. LERNER: So would you read back his
9 question and answer before this one.
10 (The record was read back as requested.)
11 MR. LERNER: Q. On the first page of
12 Exhibit 4237 under Objective I, Part A --
13 A. Right.
14 Q. -- there is the underlined sentence that
15 says, "Increase by 30 to 40 percent the number of local
16 elected officials and other opinion leaders who support
17 (a)..." This is the part I'd like to ask you about.
18 A. Right.
19 Q. "The enforcement of existing norm change
20 policies, including smoke-free workplaces, illegal
21 sales to minors, and advertising restrictions."
22 A. Right.
23 Q. In that context, what was meant by "existing
24 norm change policies"?
25 A. I think what this referred to there is
26 either local or state law regarding smoke-free
27 workplaces, illegal sales to minors and advertising
28 restrictions.

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1 Q. And the "norm" that is being changed that's
2 referenced there was what?
3 A. Well, if I understand this correctly, the
4 "norm change policy" that is being referred to there is
5 either a local ordinance or state law that pertains to
6 that particular issue, such as a smoke-free workplace.
7 Q. So the norm that was being changed was a
8 smoky workplace?
9 A. Right.
10 Q. So the assumption of the Grant was that
11 smoking was the norm rather than the other way around?
12 A. I don't think that was the assumption of the
13 Grant, no.
14 Q. So what was perceived to be the norm that
15 was to be the subject of these norm change policies
16 with regard to secondhand smoke?
17 A. I don't think that there -- I don't believe
18 that this is intending to change the norm. I don't
19 think that this is intended to be a norm change
20 project. I mean it's to increase by 30 to 40 percent
21 those elected officials and key opinion leaders who
22 support these norm changes.
23 Q. I see. And the "norm changes" means the
24 elimination of smoking in the workplace?
25 A. Right.
26 Q. Now, under Objective I, Part B, it refers
27 to, quote, "the development of future community norm
28 change strategies."

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1 Do you understand that part of the Grant
2 objectives had any pertinence to secondhand smoke or
3 pertained in any way to secondhand smoke?
4 A. Are you referring to B?
5 Q. B, yes.
6 A. I don't believe so, no.
7 Q. Okay. Does the Educating Key Opinion
8 Leaders Grant have any objectives that pertain to
9 secondhand smoke?

10 A. I think the only ones that may pertain is
11 under Objective I(a), which we've spoken about, and
12 that is "the enforcement of existing norm change
13 policies, including smoke-free workplaces."
14 MR. LERNER: Let's go off the record a
15 minute.
16 (Brief pause in proceedings)
17 (Whereupon, Defendants' Exhibit 4238 was
18 marked for identification.)
19 MR. LERNER: Q. Exhibit 4238 is a document
20 that I believe came from the Government Relations files
21 of the American Lung Association of California.
22 Can you identify this document?
23 A. It appears to be a Summary of Model
24 Ordinance for Alameda County.
25 Q. And this is a model ordinance that would
26 extend or just apply smoke-free workplace or smoke-free
27 environment laws to public places other than
28 workplaces?

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1 A. I haven't reviewed this. I'm not familiar
2 with this document.
3 Q. Okay. Have you seen this before?
4 A. I may have seen it. I'm not familiar with
5 that.
6 Q. Are you familiar with any model ordinances
7 of any American Lung Association of California
8 affiliates or American Lung Association of California
9 that pertain to elimination of secondhand smoke in
10 public places other than workplaces?
11 A. I don't think so.
12 Q. So you have not done any work with this
13 particular model ordinance?
14 A. No.
15 (Whereupon, Defendants' Exhibit 4239 was
16 marked for identification.)
17 MR. LERNER: Q. Can you please identify
18 Exhibit 4239?
19 A. This appears to be the May 1999 edition of
20 our Summary of Legislation from 1999.
21 Q. And this is a document that is prepared by
22 the Government Affairs Office of the American Lung
23 Association of California?
24 A. Yes.
25 Q. How often is this Summary of Legislation
26 prepared?
27 A. On an as-needed basis.
28 Q. Okay. When was a Summary of Legislation --

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1 and this is California legislation?
2 A. Right.
3 Q. When was this summary of California
4 legislation most recently prepared by your office?
5 A. We're preparing one right now.
6 Q. Do you recall when the last time was before
7 now that you prepared one?
8 A. Probably -- this was probably the last one.
9 We may have done one at the end of the legislative
10 session -- at the end of the 1999 legislative session,
11 but I'm not -- not sure.
12 Q. What is the purpose of the Summary of

13 Legislation?

14 A. To show the status of the bills that we're
15 monitoring in the legislative process.

16 Q. Is there any document that also shows the
17 nature of the lobbying efforts that are being done or
18 being conducted by your office with regard to proposed
19 legislation?

20 A. I'm not sure I understand the question.

21 Q. Okay. Does this document -- in other words,
22 does this report, or legislative summary, describe the
23 position of the American Lung Association or the
24 lobbying work being done by the American Lung
25 Association on any particular piece of legislation?

26 A. Yeah. It appears from looking at this
27 document that we assign a support or oppose position to
28 the legislation, so that would reflect our position on

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1 the bill.

2 Q. Okay. So with regard to tobacco-related
3 issues then, Exhibit 4239 shows the position of the
4 American Lung Association as to particular items of
5 proposed legislation at Pages 12 and 13?

6 A. Yeah. It appears to be, yes.

7 Q. Okay. I realize you don't have any
8 subsequent reports in front of us, in front of you now,
9 but have there been any changes in the Summary of
10 Legislation, since this document was prepared, with
11 reference to the tobacco legislation section?

12 A. Yes.

13 Q. Okay. What changes have there been since
14 Exhibit 4239?

15 A. Well, we have a whole new format that is
16 much easier to read --

17 Q. Okay.

18 A. -- first of all.

19 Q. Okay.

20 A. Well, we've added bills that have been
21 introduced in the 2000 legislative session to these --
22 to this list.

23 Q. And have any of the bills added, that have
24 been added -- do any of those pertain to secondhand
25 smoke?

26 A. You know, I don't believe so.

27 Q. So would this document, that is
28 Exhibit 4239, correctly reflect any legislation on

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1 which -- pertaining to secondhand smoke on which the
2 American Lung Association of California has taken a
3 position?

4 A. Yeah. I believe so.

5 Q. And, by that, I mean any present
6 legislation, proposed legislation.

7 A. Yeah.

8 MR. LERNER: Okay. Thanks. Let's just take
9 a quick break, and I'll see if there is anything else
10 we need to cover.

11 (Pause in proceedings 2:32 to 2:34)

12 MR. LERNER: I have no further questions.
13 Thank you very much.

14 (Whereupon, the deposition was
15 concluded at 2:34 p.m.)

16 ----oOo---
17 I declare under penalty of perjury that the
18 foregoing is true and correct. Subscribed at
19 _____, California, this ____ day of _____,
20 2000.

21
22
23 _____
24 Paul Knepprath
25
26
27
28

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1
2
3 CERTIFICATE OF REPORTER
4

5 I, SHANNON TAYLOR-SCOTT, a Certified Shorthand
6 Reporter, hereby certify that the witness in the
7 foregoing deposition was by me duly sworn to tell the
8 truth, the whole truth and nothing but the truth in the
9 within-entitled cause;

10 That said deposition was taken down in
11 shorthand by me, a disinterested person, at the time
12 and place therein stated and that the testimony of the
13 said witness was thereafter reduced to typewriting, by
14 computer, under my direction and supervision;

15 I further certify that I am not of counsel or
16 attorney for either or any of the parties to the said
17 deposition, nor in any way interested in the event of
18 this cause, and that I am not related to any of the
19 parties thereto.

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21 DATED: July 24, 2000
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26 SHANNON TAYLOR-SCOTT, RPR, CSR 10067
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VAIL, CHRISTIANS & ASSOCIATES (619) 544-8344